

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2019/62/90501/E

Site Address: 5, Cross Park Street, Earlsheaton, Dewsbury, WF12
8AG

Description: Erection of double garage

Recommending Officer: Ellie Worth

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 31-May-2019

Officer report

Site description

5 Cross Park Street is a detached property with an integral garage. The dwelling is constructed from brick with a tiled roof. The property benefits from an area of hardstanding to the front and rear. Vehicular access can be taken from the front boundary onto Cross Park Street. To the rear, boundary treatment consists of medium sized fencing.

The site and the wider area is dominated by residential buildings, all in which are seen to be constructed from similar materials. The existing garage will be demolished as part of this application.

Description of proposal

The applicant is seeking permission for the erection of a double garage. The measurements of the proposal are as follows:

- 2.8m in height to the eaves; 3.8m in maximum height
- 5.5m in width
- 5.5m in length

The walls of the proposed garage will be constructed from brick with a tiled roof to match the host property. A garage door will be inserted into the north western facing rear elevation. Alongside this, the proposed fenestration and door will be constructed from UPVC.

History of negotiations/amendments received

The officer entered into discussions with the agent regarding the submitted certificate as the red line boundary was shown up to the adopted highway. Certificate B was received on the 26.02.19. Alongside this, the officer entered into several discussions with the agent regarding the height of the proposed garage. Amended plans to reduce the scale to an appropriate height were received on the 21.05.19.

Relevant Planning History

Various applications submitted on application site including outline applications and discharge of conditions

2008/91256 Erection of detached 3 storey house with integral garage – Granted (5 Cross Park Street)

91/04842 Erection of double garage and garden wall – Granted (1 Cross Park Street)

94/90073 Erection of two storey extension – Granted (4 Cross Park Street)

94/93619 Erection of porch – Granted (4 Cross Park Street)

2012/93199 Erection of external balcony - Granted (184 Wakefield Road)

Representations

The application was advertised by site notice and neighbour notification letters.

Final publicity expires: 20th March 2019

As a result of the above publicity, 4 objections have been received, 1 of which has been signed by 3 neighbouring properties. A summary of the concerns are identified below and will be assessed further:

- Impact on living standards
- Previous refusal 2005/90784
- Concerns regarding LP24 Design given the site and scale of development
- Noise and pollution levels by increased traffic
- Reduction in privacy
- Overdevelopment
- Safety risk of children
- Lack of footways and turning provision
- Potential risk of life in the event of an emergency
- Difficulty in refuse collection
- Garage original served no.4 but the application has been applied for by no.5

- Maps and Ariel view are outdated
- The property stands out and is overbearing and further development will add to this
- Up to date maps needed
- Concerns regarding trespassing onto private drives opposite
- Running dog boarding business and have dogs and clients using the road for entry into premises
- Applicant operates a bin cleaning business
- Size of garage
- Will the commercial enterprise increase the van count
- If planning is granted can Kirklees adopt the road and maintain it

Consultation responses

KC Highway DM: No objections given that there is already the existing garage to the rear of the application site.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

LP 1 – Achieving sustainable development

LP 2 – Place shaping

LP21 – Highway safety

LP22 – Parking

LP 24 – Design

LP30 – Biodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 12 – Achieving well design places

Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy PLP1 (as modified) of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy PLP24 (as modified) of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case the application, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity

As outlined on the submitted plans, the footprint of the proposed outbuilding will be increased as part of this application. However, it would not result in the overdevelopment of the site. Nevertheless, amendments have been secured to significantly reduce the height of the proposed garage.

The overall design of the proposal has been considered acceptable in term of visual amenity as the building materials would match those that currently exist on the host property. These materials will allow the garage to harmonise well with the host property and will be conditioned to ensure visual amenity is protected.

As part of this proposal a larger garage door will be inserted into the rear elevation. This has been considered acceptable from a visual perspective. Alongside this additional openings and a door will be constructed in the front facing elevation, these will be constructed from UPVC to match the host property.

Amendments have been sought to reduce the height and pitch of the proposed garage. This will help alleviate some of the harm on visual amenity and the character of the area.

In summary the proposed garage would be of a satisfied design quality as the building materials would match those that currently exist on the host property and would be in keeping with the character of the area. Therefore for such reasons, the proposal would accord with LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity

1 Cross Park Street is the neighbouring property to the west of the application site. It has been considered that there would be some harm to the amenity of these neighbours. As the proposed garage would sit slightly closer to the boundary at these neighbours. Nonetheless, amendments have been sought to significantly reduce the height of the proposed garage and therefore, on balance, it has been considered that any harm on overbearing impact can be

supported. There is also existing boundary treatment in the formation of medium sized fencing in which will be retained as part of this application.

It has also been considered that there would be minimal harm on overshadowing, as any impact would only be evident within a morning. For these reasons the proposal is considered acceptable. The submitted plans also show no new openings to be inserted into the side elevations of the outbuilding which will mitigate against any undue impacts on overlooking.

In summary it has been considered that the proposal is acceptable.

2, 3 and 4 Cross Park Street are all neighbouring properties to the west of the application site. Due to the siting of the proposed garage it has been considered that there would be minimal additional impact on the amenity of these neighbours in regarding to overlooking, overbearing and overshadowing.

Earlston Lodge is the neighbouring property to the south west of the application site. Given that the proposed garage would be located away from these neighbours at the opposite side of the host property, there would no undue harm on the amenity of these neighbours as a result.

Nos. 180, 182 and 184 are the residential properties to the north west of the application site. At the time in which the site visit was undertaken it was apparent that these neighbours are on a higher level. As a result, it has been considered that there would be minimal impact on overbearing and overshadowing as a result. There is also an existing separation distance of approx. 10m from the proposed rear elevation of the garage and the nearest elevations at these neighbours.

There would also be limited impact on overlooking, given the nature of the proposal. Nonetheless a garage door will be inserted into the rear elevation of the extension.

Overall the impact on these neighbours amenity is acceptable.

On balance, the application has been considered to have an acceptable impact on residential amenity and therefore complies with the aims of LP24 of the KLP from this perspective.

4. Impact on highway safety

KC Highway DM have been consulted as part of this application raising no objections. This is due to the fact that the existing garage will be demolished and rebuilt as part of this application. The tracks is already used for vehicular access.

Alongside this, it has been acknowledged that the proposal would not contravene the previous refused 2005/90784 application. As the main access for the dwelling is taken from the south western boundary passed no.4 Cross Park Street. The proposed double garage would not allow access through the site but would be used to store the applications van.

The agent has also confirmed that the applicant does not run a business from their property.

For these reasons, it has been assessed that the proposal would not have any detrimental impact on highway safety as therefore complies with LP21 and LP22 of the KLP.

5. Other matters

Bats

All of the application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential, given the fact the existing garage has a flat roof. In this instance, the property appeared well-sealed around the eaves and roof area and it was judged unlikely to contain roosting bats.

Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought.

6. Representations

Four representations have been received from the occupants of nearby residential properties, including one representation in which was signed by 3 individuals, as a result of the above publicity.

The following issues and comments have been outlined below:

- Impact on living standards

Comment: Due to the nature of the proposal it has been considered that there would be no undue impact living standards for the reasons outlined above in the report.

- Previous refusal 2005/90784

Comment: The previous application looked at the main route for vehicular access to the application site. This has now been established and given that there is an existing garage to the rear of the application site it has been considered that by demolishing it and re building there would be no be detrimental harm to highway safety.

- Concerns regarding LP24 Design given the site and scale of development

Comment: The proposal has been considered acceptable in regards to LP24 as the proposed building materials would match the host property and will keep in with the character of the area.

- Noise and pollution levels by increased traffic

Comment: Given the scale of the development it has been considered that there would be no undue harm on highway safety. The agent also confirmed that the proposal is not for a business use and therefore it is

unlikely to increase the levels of traffic. As a result, it has been considered that there would be no undue harm on noise and pollution.

- Reduction in privacy

Comment: It has been noted above that the impact on residential amenity is acceptable. As such there would be no significant loss of privacy as the proposal is for a garage.

- Overdevelopment

Comment: Whilst it has been acknowledged that the proposal would slightly increase development on the application site, it would not result in the overdevelopment of the site.

- Safety risk of children

Comment: At the time in which the site visit was undertaken it was evident that the track is used by several cars and therefore there would be no detrimental impact on the safety of any children.

- Lack of footways and turning provision

Comment: It has been considered that the proposal would be acceptable from a highway safety point of view.

- Potential risk of life in the event of an emergency

Comment: This is not a material planning consideration but a note can be added to the decision notice, advising that the grant of planning permission does not overrule private legal rights.

- Difficulty in refuse collection

Comment: The proposal is for a garage which would be located on land within the applicant's ownership. As such, it has been assessed that there would be no additional harm to refuse collection.

- Garage original served no.4 but the application has been applied for by no.5

Comment: The proposed garage is within the red line boundary and therefore it is considered to be within the applicant's ownership.

- Maps and Ariel view are outdated, updated information is needed

Comment: As part of this application a detailed assessment has been undertaken.

- The property stands out and is overbearing and further development will add to this

Comment: The impact of the existing house cannot be assessed as part of this application. However, it is noted that the proposal would increase development at the application site, however, due to the fact that the existing garage will be demolished, it would not result on the overdevelopment of the site.

- Concerns regarding trespassing onto private drives opposite

Comment: This is not a material consideration, however a note will be added to the decision notice which states that the granting of permission will not overrule any private legal agreements.

- Running dog boarding business and have dogs and clients using the road for entry into premises

Comment: This is not a materials consideration. However, it has been noted that the proposal is unlikely to significantly increase vehicular movements to the proposed garage.

- Applicant operates a bin cleaning business

Comment: The agent has confirmed that the applicant does not run a business from their property, nor would they from the proposed garage.

- Size of garage

Comment: Amendments have been sought to reduce the height of the proposed garage. As such, the impacts on residential amenity on balance have been considered acceptable.

- Will the commercial enterprise increase the van count

Comment: The agent has confirmed that the applicant does not run a business from their property, nor would they from the proposed garage.

- If planning is granted can Kirklees adopt the road and maintain it

Comment: This is not a material consideration and therefore cannot be assessed as part of this application.

The above comments have been carefully considered in the determination of this application. However, they are not deemed to substantiate defensible reasons for refusal for the reasons outlined above.

7. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/90501

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the garage hereby approved shall in all respects match those used in the construction of the existing building in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE The granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	-	-	21.02.19
Proposed block plan, existing elevations and floor plan and proposed floor plan and elevations	1	E	21.05.19

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance the officer entered into discussions regarding certificate B, this was received on the 26.02.19. Alongside this the officer entered into negotiations regarding the height of the garage and a final amended plan received on the 21.05.19.

Report Dated:

30.05.19
